



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 083-2006

LETTER TO COMMISSION

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: March 28, 2006

SUBJECT: **4465 North Michigan Avenue
Status Report on Existing Single Family Home**

The purpose of this LTC is to update you and provide background information on the above referenced property. You will recall that the owner of this property addressed the City Commission during the Sutnick hour at the January 11, 2006 Commission meeting.

Recently, the owners of a single family home located at 4465 North Michigan Avenue processed a Building Permit application for the demolition of the existing home and the construction of a new home. The existing home on the subject property was constructed in 1941 and has been determined to be Architecturally Significant by the Planning Department.

The following is a summary of the permit history of the existing and proposed structures at the subject site:

- On December 21, 2001, an application for a Demolition Permit was filed with the Building Department for the complete demolition of the existing single family home. Since the Demolition Permit application was filed prior to the adoption of interim procedures affecting single family homes constructed prior to 1942, the Planning Department signed the application. However, a Demolition permit was not issued and to date, no demolition permit has ever been issued.
- On April 10, 2002, the City Commission adopted an Ordinance Amendment establishing demolition procedures for single-family homes located outside of local historic districts and sites. Criteria were established for the Planning Director to make a determination as to whether a home is architecturally significant and a cut-off date of 1942 was established for the review of single-family homes.
- On December 27, 2002, a Building Permit application was filed with the Building Department for a new single family home at the subject site; to date, no permit has been issued.
- On December 8, 2004, the City Commission adopted revisions to the single family demolition procedures ordinance. Such revisions included the requirement for approval from the Design Review Board for new single family homes on lots where an architecturally significant home is proposed to be demolished.
- On April 6, 2005, the Planning Department signed off on the zoning section of the Building Permit application for the proposed new construction at the subject property. The zoning official who reviewed the plans was not aware that there was an existing home on the site.

- On September 22, 2005, in response to the re-submission of the Demolition Permit application, a letter was sent to the owner of the single family home, Mr. Gerald Tepler, advising them that the demolition request was subject to the requirements of Section 142-108 of the City Code and that the Planning Department was required to make a determination as to whether the subject single family home is architecturally significant.

On October 12, 2005, Planning Department staff met with Mrs. Joanne Tepler regarding the demolition request. At that time, Mrs. Tepler was advised that she could make an application to the Design Review Board for the review of the proposed new home, or seek a formal determination of architectural significance. Mr. and Mrs. Tepler submitted a request to the Planning Department on October 20, 2005 to determine whether the single-family residence at 4465 Michigan Avenue was architecturally significant.

On November 14, 2005, Planning Department staff visited the subject property and reviewed the request for a determination of architectural significance, in accordance with Section 142-108(a) of the Land Development Regulations of the Miami Beach City Code. A formal determination of Architectural Significance was rendered by the Planning Department on November 21, 2005.

On December 12, 2005, Planning Department staff met with Mrs. Tepler regarding the determination of architectural significance, as well as her options with regard to the proposed new home. At that time, Mrs. Tepler was advised that she could make an application to the Design Review Board for the review of the proposed new home. Staff also advised Mrs. Tepler that the DRB may require design changes to the proposed home, in order for it to be contextually compatible with the built context of its immediate area. Staff also suggested that a meeting be arranged with the project architect to discuss the design of the home and to go over changes to address potential board concerns.

On January 11, 2006, the owner of the subject home came before the City Commission during the Sutnick hour to explain his predicament. Planning Department staff met with Mr. and Mrs. Tepler on February 24, 2006 to discuss additional options. At that time Mr. Tepler explained that the permitting of the home took much longer than they ever anticipated and that they were under the assumption that a Demolition Permit had been issued and was still active.

At the suggestion of Planning Department staff, Mr. and Mrs. Tepler have filed an application with the Design Review Board for the approval of the proposed new home. The application will be considered by the Board on April 4, 2006.

In light of the fact that the Tepler's have completed nearly all phases of the permitting process, and that they were under the impression that a Demolition Permit for the home was active, staff is hopeful that the DRB will consider these unique and extenuating circumstances when reviewing the project.

If you have any additional questions with regard to this matter, please do not hesitate to contact me.

JMG:TH:JGG:TRM
F:\PLAN\ALL\CM_RESP\4465 North Michigan-mgrs-revision.ltc.doc
c: Murray Dubbin, City Attorney
Gary Held, First Assistant City Attorney
Robert Parcher, City Clerk
Thomas Velazquez, Building Director
Jorge G. Gomez, Planning Director
William Cary, Assistant Planning Director
Shannon Anderton, Senior Planner

RECEIVED
06 MAR 29 AM 11:18
CITY CLERK'S OFFICE